Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-44 are pending in the application, with 1, 10, 21, 22, 30, and 39 being the independent claims. Claims 1-4, 10-13, 20-31, 35, 36 and 39 are sought to be amended. New claims 45-50 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 4, 5, 7-10, 13, 14, 16-25, 27-33, 35-40, and 42-44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,016,512 to Huitema ("Huitema"). For the reasons set forth below, Applicant respectfully submits that Huitema does not anticipate claims 1, 4, 5, 7-10, 13, 14, 16-25, 27-33, 35-40, and 42-44. Accordingly, Applicant respectfully traverses.

Claims 1, 10, 21, 22, 30, and 39

Amended independent claim 1 recites a "method for identifying frequently accessed domain names in a customer premises equipment that includes a memory and a communication interface, the frequently accessed domain names to be provided to a network gateway for use in domain name system caching," including the steps of:

(a) searching files in the memory to identify the frequently accessed domain names; and

(b) providing the frequently accessed domain names to the communication interface for transmission to the network gateway over a communication path;

wherein the files in the memory comprise application data files that hold frequently accessed domain names.

Huitema teaches a system for prefetching and storing domain name data in a "local cache server 310" that "includes a most frequently used domain names (MFU DNs) table 320." (Huitema, col. 3, ll. 17-24; FIG. 3, generally). The DNS data contained in these local cache servers is not collected by the local cache servers, but "rather are provided by network cache servers." (Huitema, col. 3, ll. 48-51). One method by which the network cache servers of Huitema can obtain DNS information for MFU DNs is by utilizing a spider lookup in a central DNS cache server. (Huitema, col. 3, ll. 30-34). This spider lookup (or "web lookup 415") is a software application which visits web sites in order to obtain MFU DNs. (Huitema, col. 3, ll. 30-34).

Applicant submits that Huitema nowhere teaches or suggests, at a minimum, "searching files in the memory [of a customer premises equipment] to identify the frequently accessed domain names ... wherein the files in the memory comprise application data files that hold frequently accessed domain names," as recited in independent claim 1. Customer premises equipment ("CPE") devices, on which the "application data files" are located, are by definition located within the control of a customer, as opposed to a service provider. (see, e.g., Federal Standard 1037C, *Glossary of Telecommunications Terms*, 1996, web available at http://www.its.bldrdoc.gov/fs-1037/fs-1037c.htm ("Terminal and associated equipment and inside wiring located at a

subscriber's premises and connected with a carrier's communication channel(s) at the demarcation point")).

The Examiner argues that the spider lookup of Huitema is analogous to the application of independent claim 1. However, the spider lookup service, as with all DNS data provided to local cache servers, is "provided by network cache servers." (Huitema, col. 3, ll. 48-51). These network cache servers including spider lookup are also referred to as a "central DNS cache server." (Huitema, col. 3, ll. 30-34). Huitema only discloses that the central DNS cache server is "operated by a commercial service," and nowhere teaches or suggests that it is part of the "customer premises equipment." (Huitema, col. 3, ll. 34-41). Accordingly, it cannot be the case that Huitema teaches or suggests each and every limitation of independent claim 1, and Applicant respectfully requests that the rejection be withdrawn.

Independent claims 10, 21, 22, 30, and 39 find similar support as independent claim 1. For similar reasons to those provided for independent claim 1, Huitema cannot be said to teach or suggest each of the features of independent claims 10, 21, 22, 30, and 39. Accordingly, the rejection of independent claims 1, 10, 21, 22, 30, and 39 under 35 U.S.C. § 102(b) is traversed and Applicant respectfully requests that the rejection be withdrawn.

Claims 4, 5, 7-9, 13, 14, 16-20, 23-25, 27-29, 31-33, 35-38, 40, and 42-44

Applicant submits that dependent claims 4, 5, 7-9, 13, 14, 16-20, 23-25, 27-29, 31-33, 35-38, 40, and 42-44 are not anticipated by Huitema for at least the same reasons as independent claims 1, 10, 21, 22, 30, and 39 from which they respectively depend and further in view of their own respective features. Accordingly, the Examiner's rejection of claims 4, 5, 7-9, 13, 14, 16-20, 23-25, 27-29, 31-33, 35-38, 40, and 42-44 under 35 U.S.C. § 102(b) is traversed and Applicant respectfully requests that the rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 2, 3, 11, and 12

The Examiner has rejected claims 2, 3, 11, and 12 under 35 U.S.C. § 103(a) as being obvious over Huitema in view of U.S. Patent Publication No. US 2002/0126812 A1 to Majewski et al. ("Majewski"). For the reasons set forth below, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness of claims 2, 3, 11, and 12 based on the combination of Huitema and Majewski.

As discussed above, Huitema does not teach or suggest "searching files in the memory [of a personal computer] to identify the frequently accessed domain names ... wherein the files in the memory comprise application data files that hold frequently accessed domain names," as recited in independent claim 1. Majewski further discloses a utility for manipulating configuration parameters for a software application. Majewski does not provide the missing teachings or suggestions. Accordingly, Applicant

maintains that the combination of Huitema and Majewski does not teach or suggest each

and every feature of independent claim 1. As a consequence, dependent claims 2 and 3

are also not rendered obvious by Huitema and Majewski for at least the same reasons as

independent claim 1 from which they depend and further in view of their own respective

features. Accordingly, the Examiner's rejection of claims 2 and 3 under 35 U.S.C. §

103(a) is traversed and Applicant respectfully requests that the rejection be withdrawn.

Independent claim 10 finds similar support as independent claim 1. Accordingly,

Applicant maintains that the combination of Huitema and Majewski does not teach or

suggest each and every feature of independent claim 10. As a consequence, dependent

claims 11 and 12 are also not rendered obvious by Huitema and Majewski for at least the

same reasons as independent claim 10 from which they depend and further in view of

their own respective features. Accordingly, the Examiner's rejection of claims 11 and 12

under 35 U.S.C. § 103(a) is traversed and Applicant respectfully requests that the

rejection be withdrawn.

Claims 6, 15, 26, 34, and 41

The Examiner has rejected claims 6, 15, 26, 34, and 41 under 35 U.S.C. § 103(a)

as being obvious over Huitema in view of U.S. Patent Publication No. US 2002/0120783

A1 to Evgey ("Evgey"). For the reasons set forth below, Applicant respectfully submits

that the Examiner has failed to make a *prima facie* case of obviousness of claims 6, 15,

26, 34, and 41 based on the combination of Huitema and Evgey.

As discussed above, Huitema does not teach or suggest "searching files in the

memory [of a personal computer] to identify the frequently accessed domain names …

wherein the files in the memory comprise application data files that hold frequently

accessed domain names," as recited in independent claim 1. Evgey further discloses a

means of peer-to-peer data sharing. Evgey does not provide the missing teachings or

suggestions. Accordingly, Applicant maintains that the combination of Huitema and

Evgey does not teach or suggest each and every feature of independent claim 1. As a

consequence, dependent claim 6 is also not rendered obvious by Huitema and Evgey for

at least the same reasons as independent claim 1 from which it depends and further in

view of its own respective features. Accordingly, the Examiner's rejection of claim 6

under 35 U.S.C. § 103(a) is traversed and Applicant respectfully requests that the

rejection be withdrawn.

Independent claims 10, 22, 30, and 39 find similar support as independent claim

1. Accordingly, Applicant maintains that the combination of Huitema and Evgey does

not teach or suggest each and every feature of independent claim 10, 22, 30, and 39. As

a consequence, dependent claims 15, 26, 34, and 41 are also not rendered obvious by

Huitema and Evgey for at least the same reasons as independent claims 10, 22, 30, and

39 from which they depend and further in view of their own respective features.

Accordingly, the Examiner's rejection of claims 15, 26, 34, and 41 under 35 U.S.C. §

103(a) is traversed and Applicant respectfully requests that the rejection be withdrawn.

Amendments to the Claims and New Claims

The amended claims, each of which previously recited a "personal computer" (or

"PC") have been intentionally broadened through the amendment to instead recite a

"customer premises equipment" (or "CPE"). Applicant believes the term "personal

computer" resulted in claiming less than Applicant is entitled to claim, and therefore the

term "customer premises equipment" has been reintroduced by amendment.

Moreover, Applicant has introduced the feature of a "personal computer" in new

claims 45-50. New claims 45-50 depend from independent claims 1, 10, 21, 22, 30, and

39 respectively, and should therefore be allowed on similar grounds to the claims from

which they depend, and further in view of their own respective features. Accordingly,

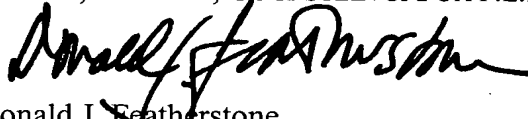Applicant believes claims 45-50 are in condition for allowance.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed,

accommodated, or rendered moot. Applicant therefore respectfully requests that the

Examiner reconsider all presently outstanding objections and rejections and that they be

withdrawn. Applicant believes that a full and complete reply has been made to the

outstanding Office Action and, as such, the present application is in condition for

allowance. If the Examiner believes, for any reason, that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone the

undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully

requested.

Respectfully submitted,

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